IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Tr.P(Crl.).No. 27 of 2007()

MC.414/2004 of FAMILY COURT, KANNUR

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PETITIONER:

N. PREMALATHA, D/O.SREEDHARAN,
`PREMNIVAS', GANESHGIRI P.O.,
MUNDAYA, SHORNUR, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SRI.V.B.RAMANUNNI

RESPONDENTS:

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1. P.G. ANANTHA NARAYANAN, S/O.GOPALAN,
NEDUNKOTTUR HOUSE, NEDUNKOTTUR P.O.,
SHORNUR, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P(Crl).No.27 of 2007

Dated this the 26th day of February, 2007

ORDER

The petitioner on behalf of herself and her minor son had filed a claim for maintenance under Section 125 Cr.P.C against the 1st respondent herein before the Judicial Magistrate of the First Class-I, Kannur. The same was originally pending as M.C.No.17 of 1995. After the constitution of the Family Court, Kannur, the petition was transferred to the Family Court, Kannur and the same has been renumbered as M.C.No.414 of 2004. The learned counsel for the petitioner submits that though proceedings were initiated as early as in 1995, the same has not been finally disposed of yet. At the time when the claim was filed, the petitioner was residing at Kannur. But now she has shifted her residence to Ottappalam Taluk in Palakkad district. It is, in these circumstances that the petitioner has come to this Court with the prayer for transfer of M.C.No.414 of 2004.

2. The learned counsel for the petitioner submits that a direction for transfer shall be in the interest of the respondent also as he also resides in Ottappalam Taluk in Palakkad district.

3. Notice was ordered to the respondent. The respondent has been served. Notice has been given to the counsel for the respondent also. There is no appearance for the respondent. I must

in these circumstances, assume that the respondent has no objection against the proposed transfer and that he is also willing for a transfer as prayed for. Address of the respondent shown in the petition confirms that he is residing in Ottappalam Taluk at Palakkad district. I am, in these circumstances, satisfied that the transfer can be directed as prayed for.

4. This transfer petition is, accordingly allowed. M.C.No.414 of 2004 pending before the Family Court, Kannur is transferred to the Family Court, Palakkad. Parties shall appear before the Family Court at Palakkad on 26.03.2007. The learned Judge of the Family Court, Kannur shall forthwith transmit the records to the Family Court at Palakkad and shall direct the parties to appear before that court on 26.03.2007.

(R.BASANT, JUDGE)

rtr/-